

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser
Deputy Director

DATE: November 18, 2008

SUBJECT: BZA Application 17842 – Request for a use variance under § 330.5 for a general office use in a residential zone

SUMMARY RECOMMENDATION

The Office of Planning recommends **APPROVAL** of the application.

REQUEST

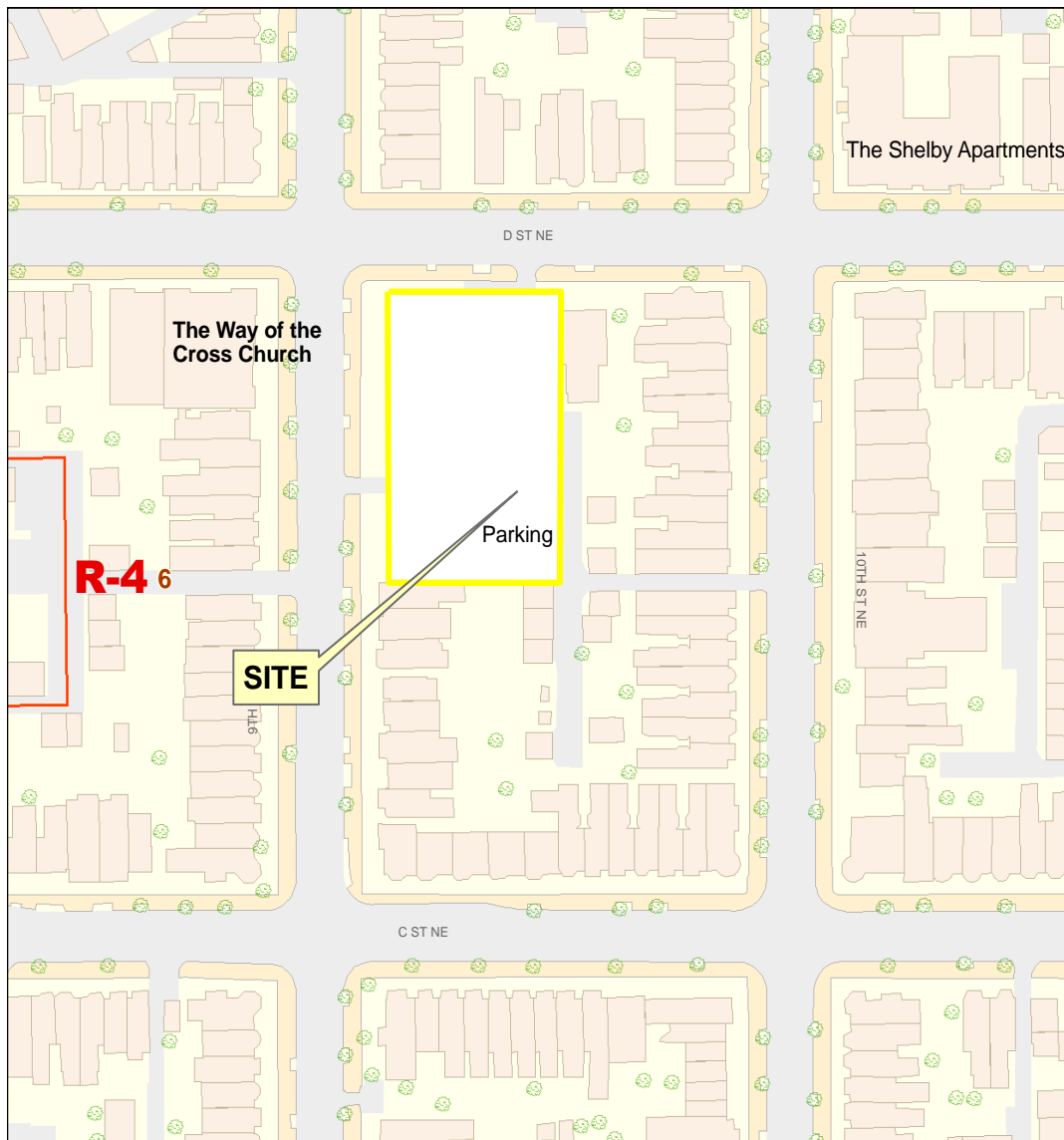
The applicant, D.C. Teachers Federal Union, requests variance relief from the use provisions of § 330.5 of the Zoning Regulations to permit the continued use of general office space within the R-4 district. General offices are not permitted either as a matter of right or by special exception within the R-4 district.

HISTORY

The applicant has been operating at the site since 1997, when it purchased the property from D.C. Public Schools. On June 2, 1999 the Board of Zoning Adjustment approved Application No. 16466 for a use variance to permit *“the use of general offices in an R-4 District at premises 901-903 D Street, N.E.”* The order, dated August 4, 1999, includes the following statement, *“This order of the Board is valid for a period of two years after the effective date of this order, unless within such period an application for a building permit or certificate of occupancy is filed with the Department of Consumer and Regulatory Affairs.”* No application for a certificate of occupancy was filed with the Department of Consumer and Regulatory Affairs, and the order expired on August 4, 2001. The application indicates that the applicant was unaware of the lack of a certificate of occupancy until attempting to obtain a building permit for some internal renovations to the building earlier this year. The building permit could not be issued without a valid certificate of occupancy in place. Therefore, the applicant filed the subject application.

CURRENT USE

The subject property is used by D.C. Federal Teachers Federal Credit Union. The hours of operation are Monday through Friday, 9:00 a.m. to 5:30 p.m. for employees and 10:00 a.m. to 4:30 p.m. for the public. The application indicates that more than 50 percent of the transactions conducted by the credit union are completed electronically.



Vicinity Map

SITE DESCRIPTION

The subject property is improved with a two-story brick building plus basement that was originally constructed as the Edmonds School in 1903. It consists of 20,998 square feet of gross floor area and has a lot occupancy of approximately 0.33. Impervious paving covers almost the entire property. Metal screens cover the basement windows and first and second story windows along the east and south sides of the building. Mechanical equipment is located on the south and north sides of the building, screened by chain link fencing with green slats.

Vehicular ingress to the site is from 9th Street and egress is onto D Street, with twenty-four parking spaces along the southern and eastern edges of the property. The building is located in

the northwest corner of the property, adjacent to the intersection of 9th and D. A small playground primarily consisting of outdoor seating is located within the southwest corner of the site.

Square:	938	Lot:	809	Zone:	R-4
Location:	903 D Street	Quadrant:	North East	Current use:	credit union offices
Area:	21,254 SF	ANC:	6A	Historic District:	Capitol Hill

AREA DESCRIPTION

The surrounding area is primarily residential in nature. Much of the housing is in the form of row houses, although small apartment buildings are interspersed throughout the neighborhood. To the west, across 9th Street, is a church.

COMPREHENSIVE PLAN

The subject property is designated as moderate density residential on the Comprehensive Plan Future Land Use Map. Row houses and low-rise garden apartments usually characterize moderate density areas, but the areas can include a mix of single family homes, 2-4 unit buildings, row houses, and low rise apartment buildings.

SECTION 330.5 VARIANCE FROM THE USE REQUIREMENTS

General office space is not permitted as a matter of right with the R-4 districts. As such, a variance from the use provisions under § 330.5 is needed to achieve the proposed office use.

Variance Test

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The subject property is unique due to the existing building being originally constructed as a public school, an institutional use, with 20,998 square feet of gross floor area. The building has been modified to suit the existing long term use of the building as a result of the granting of a use variance by the Board in 1999. The unique situation of the previous approval of the use and the interior modifications of the building as a result of that approval result in an extraordinary or exceptional situation or condition.

- 2. Does the unique or extraordinary condition impose an exceptional and undue hardship upon the owner of the property?**

The unique or extraordinary condition creates an exceptional and undue hardship for the owner to meet the requirements of § 330.5. The property has functioned as office space for the D.C. Federal Teachers Credit Union for approximately 10 years because the Board approved the use

under BZA Application No. 16466. However, the applicant then failed to apply for the certificate of occupancy and the approval expired. It would be an exceptional and undue hardship to not allow the use to continue because of this oversight by the applicant.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

The Office of Planning does not normally support use variance requests due to potential impacts on the integrity of the zone plan and the neighborhood. Use of the existing building for general office space, in this case a credit union, should not result in substantial detriment to the public good. The credit union is a relatively quiet, well established use, with no weekend or evening hours when most residents can be expected to be at home. Parking for the use is provided on-site, without requiring the use of neighborhood streets to accommodate the off-street parking needs of credit union. Visitors to the site are minimized as more than half of the transactions conducted by the applicant are done electronically, with no impact on the neighborhood. The building was originally constructed as a school, a non-residential use. Conversion to an R-4 permitted use would be difficult due to past Board approvals. Without the granting of this application the building could remain vacant and underutilized. Therefore, the relief can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map.

COMMUNITY COMMENTS

ANC 6A, at its regularly scheduled meeting of November 13, 2008, voted to conditionally support the application.

The Capitol Hill Restoration Society, at their meeting of November 13, 2008, voted to oppose the application.

CONCLUSION

The Office of Planning has reviewed the application in terms of the property's zoning and the standards for use variance relief. The Office of Planning recommends **APPROVAL** of the proposal.